



S-345
online

ORDINANCE NUMBER 2814

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED; SO AS TO GRANT A SPECIFIC USE PERMIT FOR A MASSAGE ESTABLISHMENT LOCATED AT 14468 MIDWAY ROAD AND WITHIN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT; PROVIDING FOR CONDITIONS OF OPERATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit for a massage establishment, as herein defined, located at 14468 Midway Road within the Light Industrial (LI) zoning district as described in Exhibit "A" attached hereto and more fully depicted in Exhibit B attached hereto.

SECTION 3. That the term "massage establishment" shall mean any place of business where manipulative massage or manipulated exercises are practiced upon the human body for consideration whether with or without the use of mechanical therapeutic or bathing devices, in a State of Texas licensed hospital by a duly licensed physician or chiropractor; by a duly licensed beautician or barber in a licensed beauty shop or barber shop; in an establishment wherein State of Texas registered physical therapists treat only patients recommended by a licensed physician and operate under such physician's direction or any registered massage establishment under Texas Revised Civil Statute Annotated, Article 4512K.

SECTION 4. That no person, other than those duly licensed by the State of Texas shall practice massage at this location.

SECTION 5. That no section, paragraph, subdivision, clause, phrase, provision of this ordinance in any way, grants any entity whatsoever, the right to establish or operate a sexually oriented business of any type as so defined in the City of Farmers Branch Ordinance No. 2359 or its future equivalent.

SECTION 6. That the massage establishment shall be located and specifically operated in accordance with the approved site plan attached as Exhibit "C" and subject to the parameters listed in the Plan of Operation attached as Exhibit "D".

SECTION 7. That the tract of land described in Exhibit "A" and more fully depicted in Exhibit "B" shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as heretofore and hereafter amended, and as amended herein.

SECTION 8. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each and every day the offense occurs.


SECTION 9. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 10. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 11. This ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance, and as the law in such case provides.

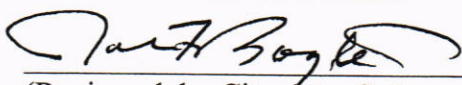
DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 4th day of April, 2005.

APPROVED:



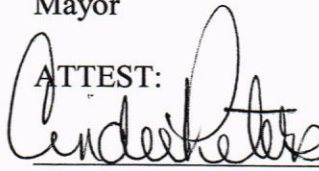
Mayor

APPROVED AS TO FORM:



(Reviewed. by City Atty. S. Lowry, 03/22/05)

ATTEST:



City Secretary

Legal Description

Leased premises containing approximately 2,300 square feet situated in Suite Number 68 addressed as 14468 Midway Road at the northeast corner of a 3.461-acre tract in the Elisha Fike Survey, Abstract Number 478, known as Lot C, Block B Beltwood Business Park, First Installment, an addition to the City of Farmers Branch, Dallas, County, Texas as recorded in Volume 72030/Page 2176 DRDCT, addressed as 14430 Midway Road, Farmers Branch, Texas, as described in a deed filed at DRDCT Volume 97031/Page 3537

**EXHIBIT "A" Legal Description
(Page 1 of 1)**

**City of Farmers Branch P.O. Box 819010 Farmers Branch, Texas 75381-9010 972/247-3131
Linked in Friendship with District of Bassetlaw, England, Garbsen and Schönebeck, Germany.
Internet URL...<http://www.ci.farmers-branch.tx.us>**

 14468 MIDWAY RD., SUITE 68

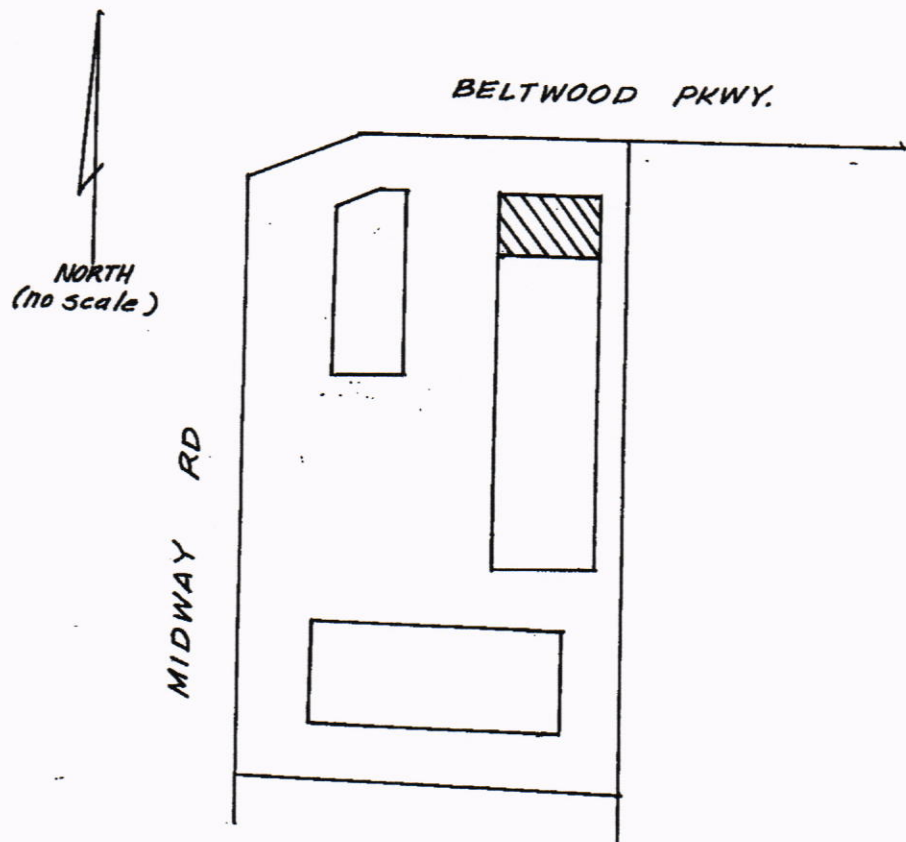


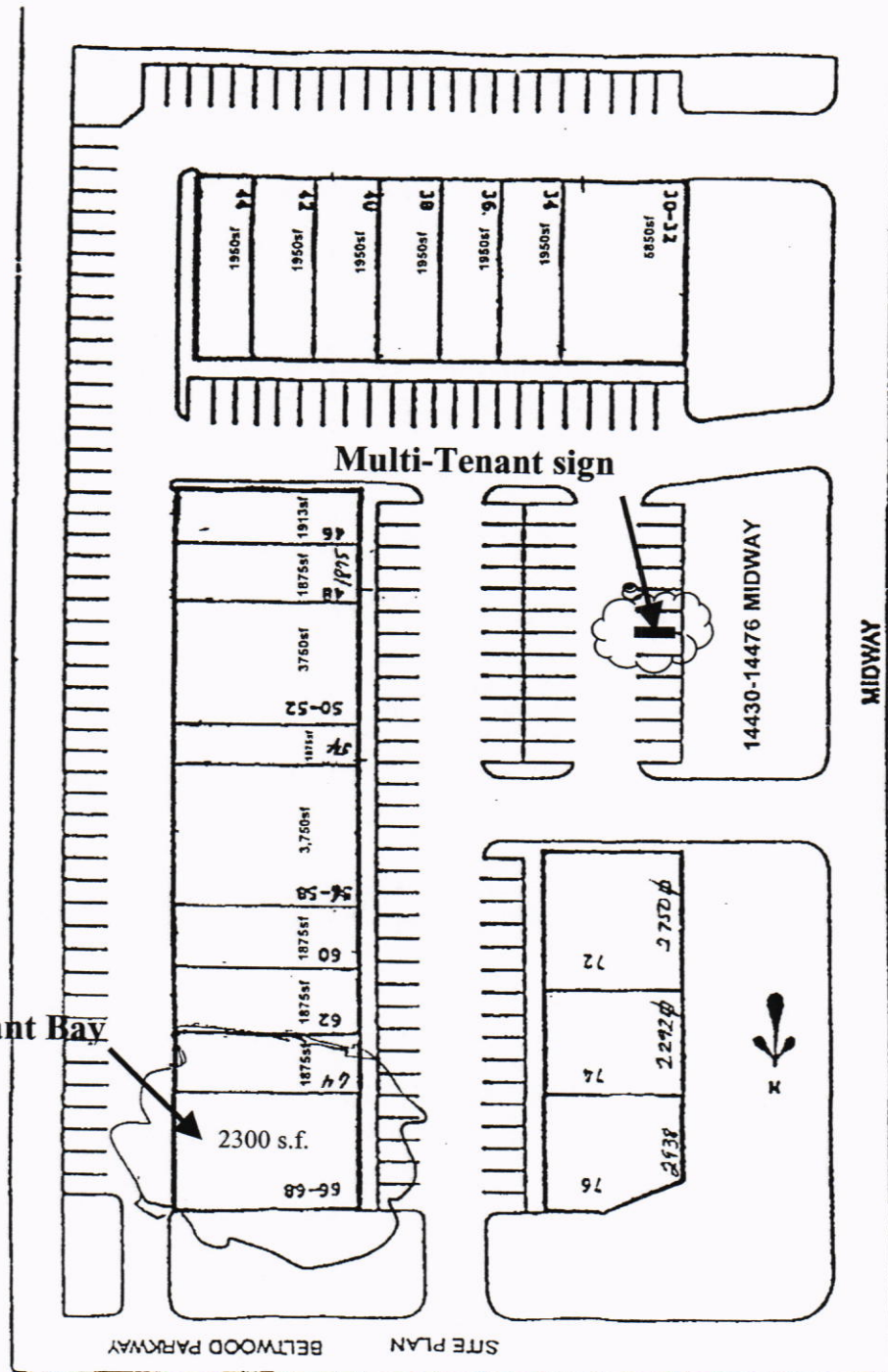
EXHIBIT "B" Locater Map
(Page 1 of 1)

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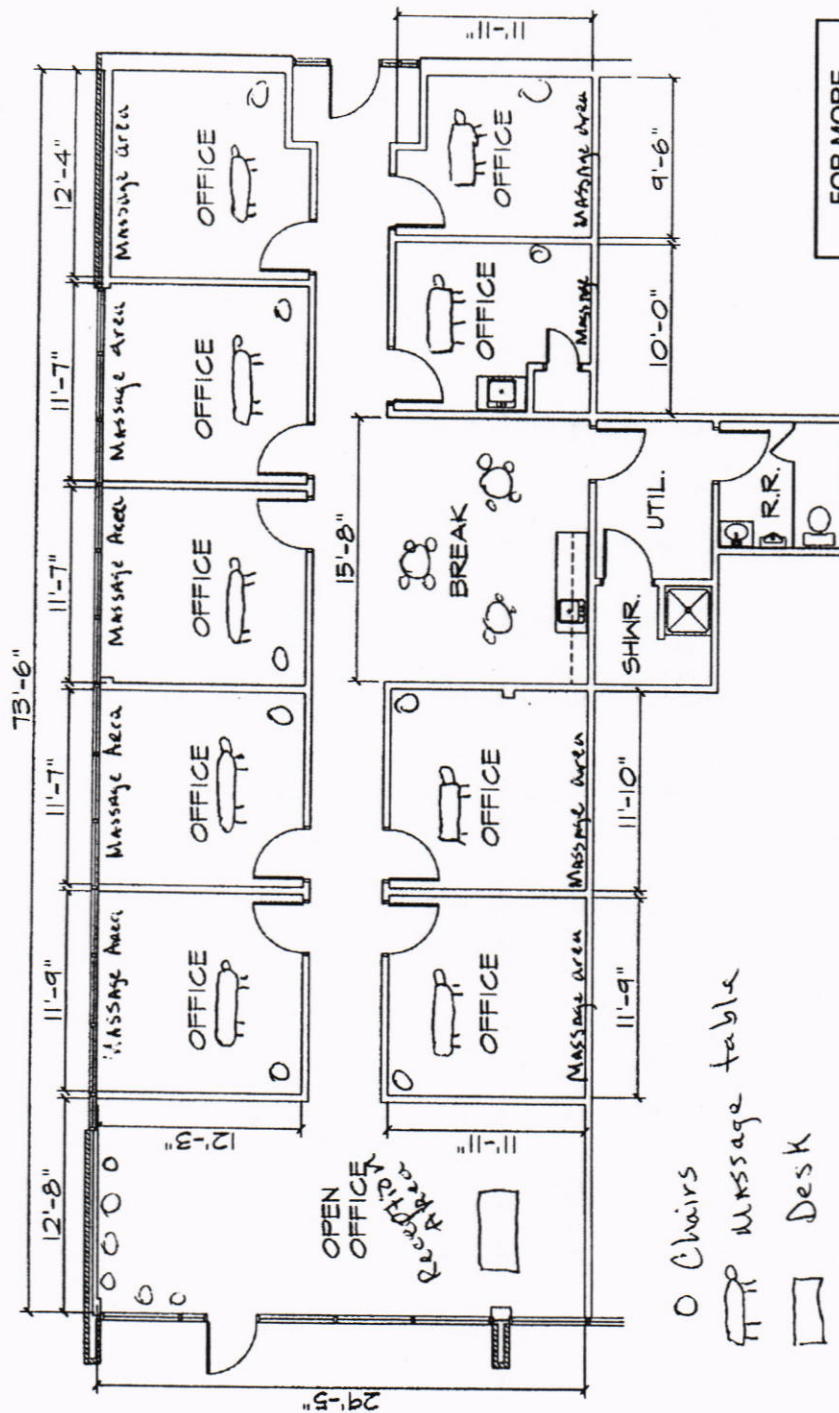
COMMERCIAL AND INDUSTRIAL REAL ESTATE

Information contained herein has been obtained from the owner of the property & other sources that we deem reliable. We have no reason to doubt its accuracy but we do not guarantee it. This property is subject to prior sale or withdrawal without notice.

Subject Tenant Bay



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FOR MORE
INFORMATION
CONTACT:

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COMPANY
(972) 991-4567

SCS

Simon
Consulting
Services

P.O. Box 100
Midland, TX 79147
903.460.8636
simonconsulting@midland.com

AN AS BUILT FOR:

11/15/04

14468 Midway Road

FARMERS BRANCH, TX 75244

2,500 SF

SCALE: 1/8" = 1'-0"

EXHIBIT "C" Floor Plan
(Page 2 of 4)

Renaissance Grand Massage Plaza
MASSAGE THERAPY

Proposed Awning Sign
104 square feet (24 feet by 4.33 feet)

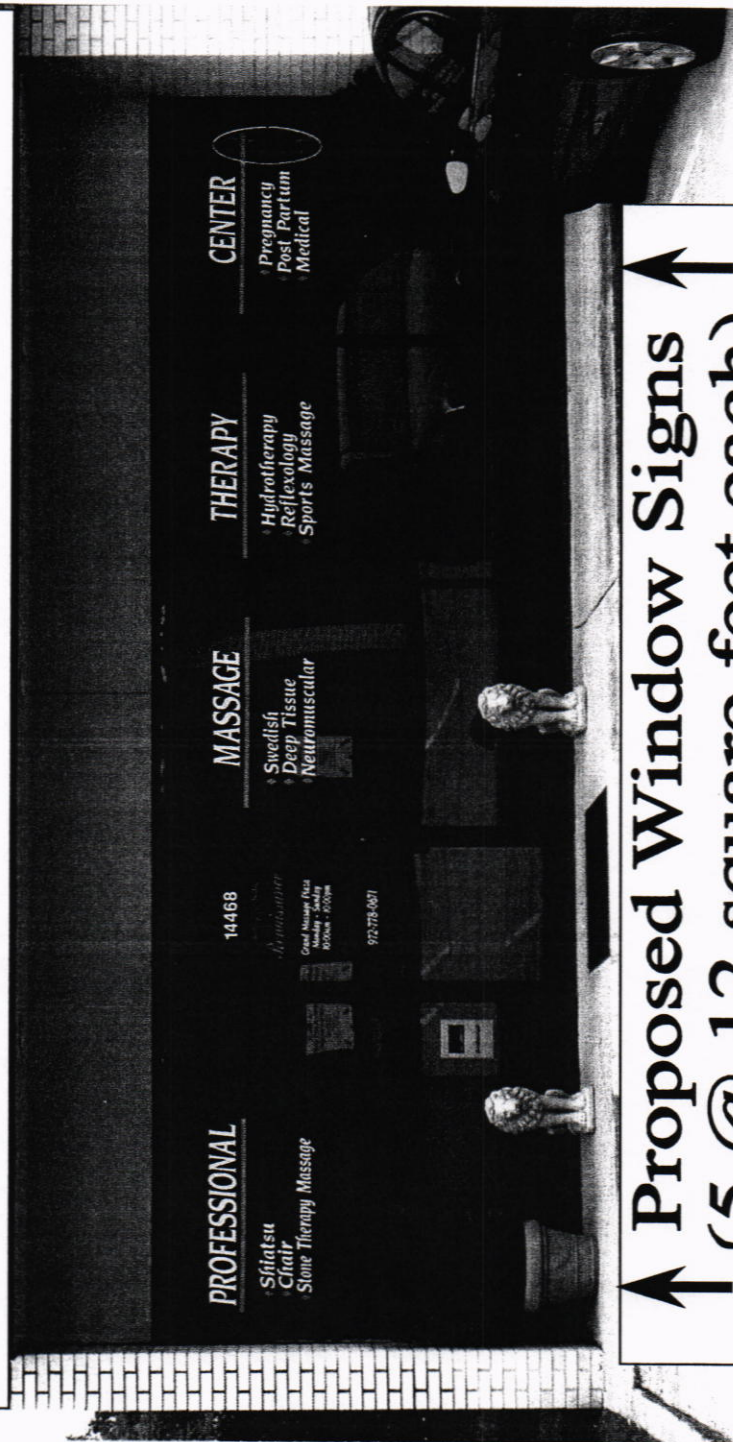
Proposed Multi-Tenant Sign
9.2 square feet (2 feet by 4.6 feet)

RENAISSANCE-
MASSAGE-

EXHIBIT "C" Sign Elevations
(Page 3 of 4)

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Proposed Awning Sign (See Page 8 of 11)



**↑ Proposed Window Signs
(5 @ 12 square feet each) ↑**

EXHIBIT "C" Sign Elevations (Continued)
(Page 4 of 4)



Planning & Zoning Commission of the City of Farmers Branch
Application for Specific Use Permit

PLAN OF OPERATION

All non-residential uses must provide the following information with the application:

Describe proposed use Renaissance Grand Massage Plaza will provide a variety of massage therapy treatments adhering to a more holistic approach to health and wellness
(Continued on back page)

Indicate hours of operation of the proposed use 7:00 am - 9:00 pm

Total number of employees 2 admin. registered massage therapist
3 initial, 9 maximum
TBM TBM
NONE

Indicate if any storage is proposed outside the building

Indicate if any activity is proposed outside the building NONE

Any other relevant unique information on the business or site All therapists have completed the required training and are licensed by the Texas Department of Health.

(Continued on next page)

EXHIBIT "D" Plan of Operation
(Page 1 of 2)

Plan of Operation (Continued)

The therapy provided by these practitioners alleviates pain and stress facilitating the natural physiological process the body goes through to ensure healthy functioning. The practitioner utilizes therapeutic massage techniques to rid problem areas of tension, relax muscles, stimulate the nervous system, and increase blood flow allowing the body to flush various acids and metabolic wastes quicker.

By applying therapeutic strokes, the Massage Therapist is able to release patterns of tension the fiber routinely store, encouraging the muscles themselves to operate at full capacity.

The petitioner wishes to expand a quality practice built on skill and reputation and continue to promote enormous benefit to the community.

Upon entering Renaissance Grand Massage plaza, the client will be greeted by a receptionist, who will assist them in filling out a Texas Department of Health intake form. Upon completion of the intake form, the therapist will go over the form with the client. Once the therapist understands what the client's needs are, the therapist will then treat the necessary ailment, in a private room, through various massage techniques. Upon completion of the treatment, the client will check out with the receptionist, who will file the client's paperwork, and take payment for the session.

EXHIBIT "D" Plan of Operation (Continued)
(Page 2 of 2)